

REMARKS

This is a full and timely response to the Advisory Action of March 29, 2005. Upon entry of this Third Response, claims 1-5, 8-14, and 17-24 remain pending in this application. Reexamination, reconsideration, and allowance of the application and all presently pending claims are respectfully requested.

Response to §103 Rejections

Claims 1-5, 8-14, and 17-24 presently stand rejected under 35 U.S.C. §103 as purportedly being unpatentable over www.adove.com/products/framemaker/sgmlwhatsnew.html, as it appeared on August 15, 2000, in view of *Huang*, U.S. Patent Application Publication US 2001/0032217, and further in view of http://web.archive.org/web/20000914072847/nocookie.quadralay.com/products/wwp_pro/default.asp, as it appeared on September 14, 2000. However, submitted herewith is a Declaration under 37 C.F.R. §1.131 establishing that the claimed inventions were conceived of and reduced to practice prior to August 15, 2000. Thus, none of the cited references used by the Office Action to reject claims 1-5, 8-14, and 17-24 qualify as prior art under 35 U.S.C. §102. See 37 C.F.R. §1.131. Accordingly, such references may not be used to reject the pending claims of the instant application under 35 U.S.C. §103.

For at least the above reasons, Applicants respectfully assert that the 35 U.S.C. §103 rejections of claim 1-5, 8-14, and 17-24 are improper and should be withdrawn.

The Advisory Action of March 29, 2005, alleges that the Declaration under 37 C.F.R. §1.131 submitted along with the Second Response mailed on March 11, 2005, contained certain deficiencies. In particular, it is alleged that such Declaration was not timely submitted. Applicants respectfully disagree. However, the filing of a Request for Continued Examination (RCE) on April 11, 2005, makes the timeliness issue moot.

In addition, it is alleged in the Advisory Action that the Declaration of March 11 fails to show that the invention had been sufficiently tested. At least paragraph 3, as well as other portions of the accompanying Declaration, establish that an apparatus embodying the invention was sufficiently tested to show that it successfully performed its intended purpose of converting files in a first markup language to files in a second markup language using style templates external to an elements file.

It is further alleged in the Advisory Action that the Declaration of March 11 is deficient because it fails to show corresponding SGML files, which were converted into HTML files. Applicants believe that there is no basis for requiring such a showing. Nevertheless, Exhibit J of the accompanying Declaration shows at least one file defining an SGML document that was successfully converted to an HTML document. See paragraph 6 of the accompanying Declaration.

It is also alleged in the Advisory Action that the Declaration of March 11 fails to establish that certain claimed elements were reduced to practice. Applicants respectfully disagree. Nevertheless, it is believed that the accompanying Declaration clearly establishes that the elements allegedly missing from the Declaration of March 11 were reduced to practice prior to August 15, 2000.

Accordingly, it is believed that the accompanying Declaration remedies the alleged deficiencies set forth in the Advisory Action.

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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